



DENTAL BOARD OF CALIFORNIA

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ANESTHESIA COMMITTEE MEETING

Thursday, August 18, 2005

Doubletree Hotel, 835 Airport Blvd., Burlingame, 94010

Members Present

Alan Kaye, DDS – Chair
Newton Gordon, DDS
Lawrence Hundley, DDS

Members Absent

Kevin Biggers, Public

Staff Present

Georgetta Coleman-Griffith, Interim Executive Officer
Richard DeCuir, Assistant Executive Officer
Alan Mangels, Attorney General Liaison
LaVonne Powell, Legal Counsel
LaRita Abdul-Rahman, Board Staff

The meeting was called to order. Roll was taken and a quorum established.

13.1 Approval of Minutes - It was m/s/c (Hundley/Gordon) to approve the minutes of the May 5, 2005 meeting, after correcting a typographical error. The third line from the bottom of the page should read: "It was m/s/c to adopt the language, with a 15-day notice and *to* direct the Executive Officer to...".

13.1 On-Site Inspection Pass/Fail-Pursuant to CCR § 1043. Dr. Kaye reviewed action taken at the March 10, 2005 meeting which resulted in a proposal to delete § 1043.6(b). This subsection would have clarified that a pass/fail split recommendation would be an automatic fail.

Dr. Gordon pointed out several non-substantial changes needed for consistent language.

LaVonne Powell addressed the pass/fail and the fail that trigger a reevaluation or the suspension of a permit, and said a thorough discussion of options is needed in light of due process for the permittee.

Kathy Mudge, spoke of CDA's concern for any decision that would result in an outcome determined by other than those with direct knowledge of anesthesia and sedation. Dr. Paul Reggiardo also voiced that concern. Dr. Earl Johnson said a split decision should be a non-decision and two more evaluators should be sent.

In response to a suggestion that three evaluators conduct every onsite, Dr. Gordon said it's only the occasional case that is a problem and Ms. Mudge pointed out that when the Board proposed increasing the inspection fee, the Department questioned why even two evaluators are needed.

After much discussion, it was m/s/c (Gordon/Hundley) to accept the language in the packet that deletes 1043.6(b), make non-substantive changes for consistency by substituting "applicant" for "dentist", do a 15-day notice on the regulation, and bring to a future Board meeting the issue of pass/fail for discussion.

13.3 - CS Evaluation

Dr. Kaye reviewed this request for the Board to reverse the recommendations of the evaluators and declare an onsite a pass. Information provided by the permittee was discussed at length. It was m/s/c (Gordon/Hundley) to allow another evaluation and the Board will absorb the cost. The decision was based upon the fact that the licensee did notify CALAOMS that he felt that the evaluators would be biased against him, however, the licensee's concerns did not come to the attention of Board staff. The Committee determined that there was nothing in the evaluations that would question the bias of the evaluators, however, in light of the Board's staff not knowing that the licensee had contacted CALAOMS, the Committee voted to allow another evaluation at no cost to the licensee. The evaluation will remain a fail, and the permit will continue to be suspended unless another onsite is successfully completed.

There being no further public comment, the Committee adjourned at 3:35 pm..